

facilitate settlement of claims and to help speedy execution of works. After a careful consideration of the recommendation of the Committee, Government are pleased to sanction the delegation of the following powers to the Assistant Engineers and Sub-Division Officers in independent charges of Sub-Divisions till the end of March 1961.

Nature of powers :

1. Sanction to estimates—

- (a) Administrative approval to original works. Can accord administrative approval as well as technical sanction up to Rs. 3,000 in each case in regard to works including irrigation works which are specifically provided in the Budget.
- (b) Technical sanction.

2. Repairs—

Ordinary repairs.

Can sanction estimates to the extent of Rs. 3,000 for each work subject to budget allotment.

3. Purchase of Tools and Plant.

Can sanction purchase of tools and plant up to Rs. 500 to the extent of provision in the estimate and in the Budget.

4. Repairs to lorries, tractors, etc.

Up to Rs. 250 in each case.

By Order and in the name of the Governor of Mysore,

V. SHANKARAPPA,

*Under Secretary to Government,
Public Works Department.*

REVENUE SECRETARIT

Depositing the Award amounts in Courts in land acquisition cases.

C I R C U L A R

No. RDH 11 LQM 59, DATED BANGALORE, THE 11TH AUGUST 1959.
(SHRAVANA 20, SAKA ERA 1881).

The following instructions for the guidance of officers dealing with land acquisition cases are issued regarding the need for depositing award amounts in Courts immediately to prevent the liability of Government for payment of accumulated interest.

1. Under the scheme of the Land Acquisition Act, once the award is declared and possession is taken, it is necessary to make payment of the award amount. Section 28 of the Land Acquisition Act, 1894, provides for payment of interest on the award amount from the date on which the possession of the land is taken. Therefore, in all cases, where possession is taken before the award is passed, it is essential that the amount is paid or deposited immediately after the award, to prevent accumulation of interest.

2. Normally, four types of cases arise in matters where awards are passed in Land Acquisition cases and payments are required to be made by Government either on behalf of some departments or local bodies. Such cases are—

- (1) Where an award is passed by the Land Acquisition Officer and the valuation is accepted by the owner of the land;
- (2) Where the award is not acceptable to Government;
- (3) Where the award is not acceptable to the owner of the land;
- (4) Where the title to the land is in dispute or the question of apportionment of the compensation is in dispute.

The first category of cases does not present any difficulty, as the owner of the land accepts the award. In such cases payment should be made to the owner while taking possession.

In the second category of cases, where Government does not accept the award, the only course of action is to withdraw from acquisition, unless possession of the land has been taken prior to the award. Where possession has been already taken, the award amount must be paid forthwith.

In the third category of cases, the owner of the land does not accept the award and challenges the quantum of compensation. In such cases, he is normally reluctant to accept the amount. So, the amount can be deposited in Court and the Court may be moved to notify to the owner the fact of such deposit. If the owner allows the amount to remain in Court, the Government will not be liable for interest. Section 32 empowers the Court to invest the amount so deposited in some Government securities. If the deposit is made in such cases, then even if the amount of compensation is enhanced, Government would be saving interest on the amount deposited.

The fourth category of cases relates to award where there is dispute about the title to the land or about the apportionment. There may be also cases where the owner of the land is either a minor or a person of unsound mind, etc., prohibiting immediate payment to him. In such cases, Government would be exonerated from payment of interest if the amount is deposited in Court.

3. The position is different when the Court awards enhanced compensation on a reference made to it under Section 18. In such cases, Government may—

(i) accept the enhancement *in toto*,

or

(ii) accept it in part,

or

(iii) contest it *in toto*.

In the first case, the amount due should be deposited as early as possible. In the second case, the amount which Government does not contest should be deposited in Court and expeditious action taken to file an appeal to the High Court in respect of the balance and to move for stay of execution to recover such balance. In the third category of cases also, an appeal should be preferred expeditiously and action taken to move the High Court to stay recovery, pending disposal of the appeal.

4. Government desire to impress upon all officers that they are liable to be held responsible for any failure to deposit the proper amount as indicated above, which would make Government liable for payment of interest and consequent loss to Government.

M. VENKATAGIRIRAJU,
Under Secretary to Government,
Revenue Department.

EDUCATION SECRETARIAT.

Admissibility of Travelling Allowance to members of the Boards and Committees constituted by the Education Department and employees of the District Boards and Municipalities, treating them as non-officials.

READ—

Letter No. DA VIII-D/Edn. V. 375, dated 17th January 1958 from the Accountant General, Mysore, Bangalore.

2. Government letter No. ED 36 SES 57, dated 24th April 1959 addressed to the Accountant General, Mysore, Bangalore.

3. Letter No. DA 8D/VI/23(2)/149-152, dated 10th July 1959 from the Accountant General, Mysore, Bangalore.

ORDER No. ED 36 SES 57, DATED BANGALORE, THE 4TH SEPTEMBER 1959
(BHADRAPADA 13, SAKA ERA 1881).

The Accountant General, Mysore, Bangalore, requested for clarification in his letter, dated 17th January 1958 read above regarding payment of T.A. and D.A. to the non-official members of the Secondary Education Board constituted by